

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JOHN WESLEY POTEAT,

Petitioner,

v.

ATTORNEY GENERAL OF THE STATE OF
NEW JERSEY, et al.,

Respondent.

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Civ. No. 16-2351 (RBK)

MEMORANDUM AND ORDER

Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This Court dismissed that habeas petition as untimely. Petitioner then appealed and filed an application to proceed *in forma pauperis* on appeal. This Court then mistakenly entered two orders, one granting the application to proceed *in forma pauperis* on appeal (*see* Dkt. No. 16) and one denying the application as incomplete. (*See* Dkt. No. 17) For the reasons stated in the order denying the application to proceed on appeal *in forma pauperis*, that was the proper adjudication of petitioner's request. Therefore, this Court will vacate the order that granted petitioner's application to proceed *in forma pauperis* on appeal as petitioner's application to proceed *in forma pauperis* on appeal was insufficient.

Accordingly, IT IS this 10th day of March, 2017,

ORDERED that this Court's Order entered March 7, 2017 (Dkt. No. 16) is vacated; and it is further

ORDERED that the Clerk shall serve this Order on petitioner by regular U.S. mail.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge